

~~Set 9 1660~~
The Exact *9 A i*
Constable:

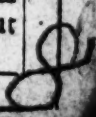
WITH HIS
ORIGINAL & POWER
IN THE
OFFICES

Of *Church wardens, Overseers*
of the Poor, *Surveyors of the High-*
ways, Treasurers of the County
Stock, and other inferior Officers
as they are established, both by
the *Common Laws and Statutes of*
this Realm.

By *E. W. of Grays-Inn Esq;*
The second Edition, with
many useful Additions.

*Non nobis nati sumus, sed
partim Patriæ.*

LONDON, Printed for *H. Brome* at
the Gun in *Ivy-Lane*, 1660.



FH

MVSEVM
BRITANNICVM



TO THE
READER.

I*T may seem an impertinent attempt, to load you with this Treatise, there being already one in Print which carries the Face of the same design. But if you compare the Time and posture of affairs, which produced that Schem of Laws with the present, which gives being to this, you may Rationally*

A 2 tionally

To the Reader.

~~rationally~~ conclude, that
those Rules for Govern-
ment in the Civil and Ec-
clesiastical affairs are no
more proper now then
(The keepers of the Li-
berty of England, &c.)
are to be the Supream
Magistrate: Those acts of
Obedience and Religion
which then were taken for
Graces, being now justly
condemned for Errors
and Vices. Not to re-
flect on the Author of the
former compilement, who
being circumscribed by
the wilful Dictates of the
persons then in power, was
out of fear or somewhat
else,

To the Reader.

else, forced to tune the Law as much as he could to their Tyrannical ears. Were he now to write on the same Subject, he could not, nor would have varied a Tittle in substance from what is now exposed to your view. But the same Garment which was made for a Monster, cannot fit a man. And therefore this which is here published, care hath been taken to comprehend all those Rules (and only those Rules) which by the ancient & modern Laws, those Officers to whom it is applied are obliged to observe.

To the Reader.

observe. How well it is performed, is submitted to your Judgment; The compiler having no other design, then to throw in his Mite towards the establishing the desired and admirable Government of this Nation, and to contribute his assistance to all those Loyal and Active Subjects, who conform to, and Act under the same.

The



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THis Author hath in Print a very useful Piece, called *Justice Revived; Or, The whole Office of a Country Justice of the Peace.*

The



in
ful
re-
of-
ice

He

Constables were first established by the Statute of *Winston*, i. and by divers other Statutes since :

since: their Office is to
 be Attendants upon the
 Common-wealth for the
 maintenance of the Peace,
 and are to execute the
 Warrants and Precepts
 issuing out of Court-
 Leets, from Justices of
 Peace and Coroners with-
 in their precincts and li-
 berties; *Lamb.* saith, a
 Constable in a hundred
 and *Franchise*, is the
 Kings Majesties immedi-
 ate Officer for the sup-
 port and maintenance of
 the Kings peace. There
 are two sorts of Consta-
 bles; high Constables and
 petty Constables; the
 high

(3)

to high Constables are for
the whole hundred; and
comprehends many pari-
shes and villages: hereto-
fore there were two high
Constables in every hun-
dred, as you may read in
Lamb. and *Dalton*; but
at this day, there is but
one; the other kind are
petty Constables, and are
only for some part of a
Parish, Village, Hamlet
or Tything within the
Hundred; for in every
Hundred there is a High
Constable, and every pet-
ty Tything within the
Hundred hath his petty
Constable, or Tything-

(4)

man or some under Officer, and the petty Constables command is in part of the High Constables jurisdiction, and his Office by the ancient common Lawes of this Realm is the same with the High Constable as far as his Precincts extend; in divers Counties they are called by several appellations, as in *Warwick-shire* Thirdborrow, in *Kent* Borsholder, and in other places Burrow-head or tythingman; and he that is so sworn, is in effect the petty Constable of the place.

In

Of- In the beginning of
 on- *Edw. 3.* were first appoin-
 in- ted petty Constables for
 on- the aide and assistance of
 ad- the High Constables of
 ent hundreds in their own
 his Tythings or Burrows; in
 th some parishes there are
 ar Constables, but generally
 d; in all there are Tything-
 ey men or petty officers: in
 p- some places the Tything-
 r- man executes and com-
 y, mands the precepts of the
 nd Lord of a Mannor, and he
 w- is chosen and sworn at the
 nd Lords Court, and some
 in are chosen at the Court
 le Leet by the custome, and
 they are not compelled

to do any thing, but what
time out of mind, they
have used to do: yet all
the aforementioned offi-
cers are comprehended
in this word Constable.

*Where High Constables
and petty Constables
are sworn.*

THe making of high
Constables, may
be by Justices of
Peace at quarter Sessions
or at the Leet, either by
the Steward or the grand
Inquest as the custome
is; heretofore they were
Sworne in the Sheriffs
Torne.

(7)

Torne. Petty Constables are most properly chosen by the Steward of the Leet himself or the Inquests presentment in the Leet: yet they may be chosen by Justices of Peace in their quarter Sessions, and as the custom of the place is, for one or two years, and do usually take their Oathes where they are chosen, or may, and sometimes take their Oaths before a Justice of Peace at another time.

Dalton.
P. 37.38.

A petty Constable may be made by one Justice of Peace out of Sessions, as where one is chosen :

Lamb.
duty of
Con.
Cook 8.
41. 42.
Dal. 322.
323.

B 4

and

21. Edw. and upon good matter
3. 2.

Mant. ca.
10.

shewed to the Justices, is
taken off, and another
chose; or by death of the
former Constable the Ju-
stice puts in another, for
a present supply, especi-
ally when the Quarter
Sessions or Leet are far
off.

There must be fit per-
sons chosen for the Con-
stables Office, not Clergy
men; for if they be cho-
sen, they shall be dis-
charged by Writ.

He must be a lay per-
son, not a woman; for
although a maid be a
house-keeper or dwell in

ter a house where the owner
is was usually to serve, the
ner office is not to be chosen
he no more then a Widow
ju can do suit in a Leet.

or He must be *Idoneus*,
ci one that in some mea-
er sure hath knowledge to
ar understand what belongs
er- to his place; therefore an
n- Idiot or Infant cannot
gy serve.

o- He must be of known
f- honesty, one that will ex-
r- ecute his Office without
or malice or partiality; for
a a scandalous or contenti-
n ous person cannot be fit, In Anno
a neither can an old or de- 1650.
criped, sick, or an impo-

rent or poor man; It was commanded by the King as a special direction for the Justices to choose of the ablest of the inhabitants; Which if observed, would be a great furtherance to the course of Justice throughout his Majesties dominions; but it is the common course to put the Office upon the poorest and weaker sort, but they are mistaken; for all are compellable to serve this Office that shall be constrained to come to the Leet, except Sheriffs, Lawyers, and Attournies, which are
to

to attend in their several places and vocations, and if they should, the Law allowes them Writs to discharge them.

Where one is under 21 years, he shall not be compelled to serve; nor an old man above 70. years, but may sue out his Writ *Denon ponend. in assisses. & Jurat. vide ff. 2 Herb. Nat. br.* And where a man hath Land in one Hundred, and lives in another, and is chosen to serve in the place where the Land lyes, if he hath no house where his land lyes, he shall not serve;

serve; for they are bound to serve in respect of their residency and not in respect of their Land; but if he have houses in either, and lives sometimes at one, and sometimes at the other, he may be made one at either Leet.

If there be a man chosen either by Steward of the Leet, or by presentment there that is unfit, or by one Justice of Peace out of the Sessions, the Justices at the Sessions may remove him by their order, and a fit person shall be there elected and sworn; but if he that is
sworn

sworn at the Leet be a fit person, he cannot be removed by the Justices, but by the Lord chief Justice of the Judges of that Circuit, by the opinion of all the Justices; neither can custome or prescription exempt any man that is so chosen at the Leet. And if any man be fit and duly chosen in the Leet, he shall be there fined, if chosen by one Justice out of Sessions, and he refuse to be sworn, he may be fined and indicted at the Sessions.

A Constable may make

a

a Deputy; for else how should the place be supplied in case of sickness or other misfortune? but if there be negligence or misdemeanor committed by the Deputy, the Constable shall be respondent and answerable for them; Yet if the Deputy be a fit person and sworn into the place, the Deputy shall answer for himself; yet it hath been delivered for Law by the Judges, that this is rather a Tolleration then Law.

High Constables of
Hundreds are conserva-
tors

w
p. tors of the Peace in their
s. Liberties and Precincts
s by the common Law of
ut *England.* 3 *Edw.* 4. 9.
or *Crompt. b. 6. 122. 11.*
ed *Hen. 7. fol. 18.* There-
n- fore the High Constables
n- for any affray made at
or the petty Sessions, may
ty imprison the Offendors.
rn *Cook 11. 43, 44.*

e- In the Limits of their
n- several Towns are conser-
e- vators of the Peace; all
he petty Constables *Virtute*
a- *Officii, Bro. Peace. fol.*
en 127. *Tit.* Affray and for-
of cible entry; but they can-
a- not take surety of the
rs Peace, at the request of
any

any man; yet they may *ex officio*, cause such as are in their presence, and are about to break the Peace, to find sureties for the Peace as well before the affray as after. 12 Hen. 7. 18. Crom. b. 222.

Any man that shall make an affray in the presence of the Constable or Borsholder, threaten to kill or beat another, or ready in an affray to break the Peace, the Constable or Borsholder shall commit them to the Stocks or to safe custody, and after carry them before

before a Justice, and refusing to give surety, may commit them to the Goal. 3 *Hen.* 4. 9, 10.

A Constable cannot take a Recognizance, because he is no Officer of Record; if an obligation, the question is how it shall be certified and in to what Court; and that it should be inconvenient for to give Constables such authority, was the resolution of the Lord *Anderson*; yet there were other Justices of opinion, that though they could not take bayl nor Recognizance; yet they might
take

take surety by obligation; for the Peace was preserved by Constables long before Justices of Peace; but the ancient way of the keeping of the Peace, was by Writ out of the Kings Bench or Chancery.

Where a Constable had found any brake the Peace, by the antient common Law it was thus; all such Offendors the Constable might imprison in the stocks, or at his own house, according to the quality of the person, until they had been bound by obligation with sureties

sureties to the King for the keeping of the Peace; which obligation was to be sealed and delivered to the Constable, to the Kings use, and the Constable was to send it into the Exchequer or Chancery, from whence process should be awarded to Levy the Debt, if the Peace were broken. *Vide Finch, Ch. 127.*

Any Constable, petty Constables Sheriff, Coroner or Justice of Peace, may by the ancient common Law, arrest or imprison all persons whatsoever that shall be violators of

of the Peace, in any of their presences, by virtue of their Offices within their Jurisdictions or Limits; but they are to meddle only with affrays, assaults or batteries, or threatnings to break the Peace: and if they be negligent in their Offices, may be indicted and fined for the same.

And if they have committed or bound over any for breach of the Peace, they must attend the Goal delivery or Sessions of the Peace, to declare offences for which they were bound over or committed. The

of The Offices of Sheriffs,
 tue Coroners, Stewards, or
 in the Sheriffs Torn of the
 Li-Leet and of the Court of
 to Pypowders, and all Ju-
 ys, stices of higher Courts
 or were long before the con-
 ne quest. *Vide Cook 49. pars*
in Prefacio.

In *Lamb. 16. 17.* you
 may read of many others
 who were by common
 Law, that had the custo-
 dy of the Peace, and
 were nominated *Custo-*
des pacis; some were by
 election, other by tenure,
 others were by the Kings
 Writ, and had their du-
 ration for terme of their
 lives,

lives, or *quamdiu se bene gesserint*; but they are all antiquated and obsolete.

A Constable may Arrest any that shall make any affray; if he flies into a House and shuts the doors, he may Justifie his breaking open the doors; & if he flies from thence in fresh suit, he may pursue him, though in an other County; and where two be a fighting, though no hurt done, he may apprehend them, and make them find sureties for the Peace; and if any be mortally wounded, he may carry him to the Goal;

Goal ; for he is not Bayl-
able, for the fact is felo-
ny in case the Party dies
within a Year and a day.

If any shall assault a
Constable doing his Of-
fice, he may upon *se de-
fend*, Justifie the killing
of him, if he cannot other-
wise avoid it.

If a man be taken in
or near the high way Rob-
bing, and be brought to
a Constable, he must
forthwith bring him be-
fore a Justice of Peace
to be examined, and if
he finds cause, have him
to the Goal.

If any do suspect any
of

of murder or felony, he ought to bring him to the Constable, that he may have him before a Justice, with him that suspects him, that upon examination if it be found that there is any probability in it, the Constable may search for him; and a Constable may Arrest one that is indicted of felony upon his own authority.

If any fly for felony, it is the Office of the Constable to seize his goods; for if they should be embezzled, he must answer for them; therefore it is best

best to Inventory them
with the testimony of his
neighbours.

A Constable may com- ^{1 Hen. 7.}
mit any that he shall find ^{7.}
in adultery or fornicati-
on, taking company with
him to bear witness; and
where he hath arrested
any, or hath in his custo-
dy any that ought to be
carried to Goal, he may
raise sufficient strength
for his safe carriage, or in
the interim commit to
custody, or to the Goal,
and the Goaler shall have
no fee at his reception.

When a Warrant shall ^{27 Hen.}
be directed to the Con- ^{7.39.}

C stable,

stable, or any other inferior officer under him, he must use all expedition and security for his apprehension, requiring him in the Kings name to go with him; and if he shall deny, he may forthwith commit him to prison, & resisting or making an attempt to escape, may justify the beating of him; and if he is willing to go, he may chuse what Justice he will go before; but in case it be grounded upon a Writ of *Supplicavit*, the Delinquent is compellable to go before that Justice from whom

whom the Warrant came, upon which the *Supplicavit* is grounded, and if he refuseth, he may instantly carry him to the Goal; and if the party goeth before some other Justice of Peace, and puts in bayl in some of the Courts at *Westminster*, whereupon he hath a *Superfedeas*, the Constable or inferiour Officer must presently discharge him, keeping the *Superfedeas*, in case he be questioned by the Justice from whom the Warrant issued.

The 21. *Jac.* 8. mentions all *Superfedeases* to

be void, unless the process of the Peace or good behaviour, whereupon such *Supersedeas* is grounded, be granted upon motion in Court, with able Sureties, to appear to the Judges of the same Court, upon oath to be affixed at five pounds land, or ten pounds goods in the Subsidy-book; the oaths, and names, and places of such sureties shall be entered, and remain of Record in the same Court, unless it appears that the Judges from whence the *Supersedeas* issued, doth desire

desire such *Supersedeas*,
bona fide, by some party
 grieved in Court from
 whence it came.

A Constable must take
 special care, having ar-
 rested any man, that he
 doth not wittingly or neg-
 ligently let him escape ;
 look what offence the
 party escaping is culpa-
 ble of, the same is the
 Constable or inferiour
 Officer that apprehends
 him ; and it lyes in the
 power of the Judges to
 assess what Fine in their
 discretion they think fit ;
 and if the offence be hai-
 nous, to the value of their
 goods. C 3 In

11 Henry
4. 24.
Stanf. 35
Physiti-
ans.

In *London* the Constables ought to be assistant to the Colledg of Physitians within seven miles thereof, for the due Execution of such Statutes as do concern Physitians, Apothecaries and *Chirurgions*, as you may read in the Statutes of 14 *Hen.8. cap.4,5.* 23 *Hen.8. 1.*

Purvey-
our
23 *Hen.*
8. 3.
28 *Hen.*
b.ca.1.

A Constable may arrest any Purveyour that shall take any thing from any of the Kings Subjects, (unless it be for the Kings household) and if he neglect his office, he forfeits twenty pounds; neither
can

can he take any thing of any person, but by the delivery of the Mayor, Bayliffe, Constable, or other such Officer of the place from whence the thing is taken.

Where. any shall take any thing for the Kings house, it must be done by Tailes, or Indentures sealed between the Owner and the Taker in the presence of the Constable or some other Officer, and the Owner to be satisfied for it, 10 *Edw.* 3. *ca.* 1.

No Taker shall take any kind of provisions whatsoever without a

1 & 2
Phil. &
Mar. c. 9.

10 Edw.
3. cap. 1.

20 Hen. 6.
cap. 8.

Commission, and a blank
for the County in which
the said several things
are taken, and the prizes
thereof shall be written,
to which the Constable or
other Officer shall put his
Hand and Seal, and make
a breviatē thereof in
writing, containing the
provision so taken, upon
pain of an hundred
Marks, to give it the
Constable or other Offi-
cer, to deliver it to the
Justices at the next Quar-
ter Sessions.

If a Purveyor shall
seize any thing to the
Kings use, not exceeding
forty

(33)

forty shillings, and shall not pay ready money for it, the owner of the goods taken may retain them; the Constable or other inferiour Officer, being required, ought to aid and assist the party, whose goods are taken, upon the the penalty of the forfeiture of double the value.

Every Offender that shall be committed to the common Goal, his commitment shall be at his own charge, his goods shall be sold, and the overplus paid to him; if no goods, a tax shall be made^{21 Jac.}
^{28. 3 Jac.}
^{10.}
by

*Concerning the
convey-
ning of
Offenders
to Prison.*

by the Constable, and Church-wardens, and two or three other of the Inhabitants of the Parish where the Offender is taken, which being allowed by a Justice of Peace, if any that be taxed refuse to pay, by warrant from the Justice, the Constable or other Officer may distrain and sell the goods, rendring the overplus.

*Beggars
& Rogues*

Concerning the executing of the Statute 7 Jac. 4. against Vagabonds and Rogues, the Justices are to assemble twice a year; if occasion be, oftner; and

and five dayes before the Justices may command the Constables and other inferiour Officers of all the Hundreds, Tythings and Parishes, to search for such persons, or any other suspected, within their Jurisdictions and Limits, and such as shall be found, bring to the said Justices; if upon examination they shall be found of a loose and idle life, by warrant they shall be sent to the House of correction, there to be punished, and set on work; and the Constables must give an account under the hand

hand of the Minister of the Parish, what dissolute persons they have punished, or sent to the House of correction; and if they neglect their duty, the Justices shall fine them, not exceeding forty shillings.

Prisoners.

The Church-wardens of every Parish shall levy money for the relief of the Goal Prisoners, upon the penalty of five pounds to be paid every quarter to the High Constables; and they must pay of the same at the next Quarter Sessions to the Receiver that shall be appointed by the
the

the Justices at their Sessions, upon the like penalty of five pounds.

High Constables ought to present to the Justices the defaults of Watches, & the Kings High-ways, that there be no ditches or bushes within two hundred foot on every side of the High-ways; and likewise if any shall lodge Strangers for whom they will not answer; by the Statute of *Winton.* and 13 *Edw.* 1.

Upon pain of forty *Kings-
Bench &
Marshall-
sey.* shillings, the High Constable must at every Quarter Sessions pay the money

ney for maimed Souldiers, and likewise such moneys to one of the Treasurers of the Shire, as the Church-wardens have paid to him for the Prisoners of the Marshalsey and Kings-Bench, upon pain of twenty shillings, 43 *Eliz.* 3. 1 *Jac.* 25.

Recu-
sants

All popish Recusants shall be presented by the High Constables or Church-wardens at the Quarter-Sessions, that come not to Church monthly, and the names of their children that are nine years old and upwards, living with their Parents,

Parents, and the names of their servants, upon the penalty of twentie shillings for every default: And if they be indicted and convicted, the Constable shall have out of their goods fourty shillings.

A Constable may com- Inholder
pel any Inn-keeper or
Victualer to lodge any
Traveller or Stranger, by
the Statute 5 *Edw.* 4. 3.
3 *Car.* 1.

By the 3 *Car.* 3. All Alehou-
that keep common Ale- fcs.
houses, that sell without
Licence, shall forfeit
twenty shillings, which
penal-

penalty, after warrant from the Mayor or Justices, shall be levied by the Constables where the offence shall be committed, to the use of the poor of the same Parish by way of Distresse, and in default of payment to be sold within 3. dayes, rendring the overplus : It shall be a conviction if in the view of such Mayor, or Justice, confession, or upon the Oath of 2. Witnesses, which the Justices shall administer, and if the offender have not goods, or pay not the penalty within six dayes, the Justices

(41)

stices may commit such offender to the Constable to be Whipped; and if the Constable or Inferiour Officer shall not execute the punishment, he shall be committed to the Goale, until the offender be punished as aforesaid, or until the Constable shall have paid for the neglect of his duty forty shillings, to the use of the poor of the Parish.

Servants that are re-*Servants.*
tained in Husbandry, must be according to the Statute 5 *Elix. cap. 4.* after such retainer, shall not depart till the time is expired;

pired, or have a Testimonial under the hand of the Constable, or other Officer, with two of the Inhabitants of the Parish where they last served ; and such Testimonial shall be dated by the Minister, taking two pence for the Registering ; and if he be retained in any other service without such Testimonial, he shall be imprisoned till he procure one ; if he get none within twelve dayes next after his imprisonment, he shall be Whipped as a Vagabond.

Labour-
ers.

All Artificers or Mechanical

nical Tradesmen the Constable shall set on work in time of Corn or Hay Harvest, as are fit to labour by the day; and such as shall refuse, such Officer may imprison in the stocks two days and one night, upon the penalty of forty shillings.

The Statute 2, and 3 *Phil.* and *Mar.* and 5 *High-*
Eliz. 13. enables the Constables or other Officers, *ways.*
 with the Church-wardens, yearly upon *Tuesday* and *Wednesday* in *Easter* week, to call the Parish together, and to elect two honest men of the Parish
 to

to be Surveyors of the High-ways, for the repair of High-ways leading to any Market Town, and to appoint six dayes for the repair of those High-ways before *Midsummer* next ensuing, and to give notice the next *Sunday* after *Easter* six dayes, and by the Statutes above recited, must have one part of the Estate indented, and may call the Constable to an accompt for the forfeitures, for not amending the High-ways, and may levie the same by Distresse, and sell the Distresse, returning the

(45)

the overplus, according to the Statute 18 *Eliz. cap. 10.* And if the Surveyers shall not have levyed and imployed the same within a year after the offence committed, shall render an accompt before two Justices of Peace.

By the Statute 18 *Eliz. Hedge-breakers.*
7. Constables may, or any inferiour Minister, Whip breakers of Hedges, and robbers of Orchards and Gardens, stealers of Corn and Wood, as be committed to him by the Justice, and if they neglect their duty herein, the Justice

Justice may commit them to the common Goale till it be performed.

Plague.

Every Constable by the Statute, 1 Jac. 31. that neglects their Office in the levying money; as they are appointed by the Justices, or other head Officers of Towns incorporated, for the relief of the poor infected with the Plague, as it hath been Taxed, forfeits for every offence twenty shillings, to the use of the poor infected; and a Constable or other Officer, if the infection be out of the Town Corporate; Priviledged

to viledged Place, or Mar-
 it ket Town, may command
 by persons infected to keep
 I. their houses; and if the
 ce persons will wilfully go
 as abroad, it is lawful for the
 ne Watchmen with violence
 d to enforce them; and if
 r- any person that is so in-
 of fected, or having a sore
 e running upon him, go a-
 n broad, for the said offence
 he shall be punished as a
 Vagabond, by the Sta-
 tute 39 *Eliz.* 4. and to
 be bound to the good
 behaviour twelvemonths.

The Statute of 7 *Jac.* Ners, and
 II. does give power to Setting-
 Constables and other Dogs.
 head

head Officers, being warranted by two Justices, to search the houses of persons suspected, except 40. *l. per annum* of inheritance, or worth 400. *l.* in goods, for Setting-Dogs, or that keep Nets to take Pheasants and Partridges, and may take their Dogs, and cut their Nets.

*Waits &
Measures*

The Statute of the 8 *Hen. 6. c. 5.* commands that there be in every City, Borough, and Market Town, Weights and Measures sealed, at which the Inhabitants may freely weigh. 11 *Henry 7. 4.*

Such

Such Merchandize shall *Merchandize.*
 be forfeited of any
 Wools, or other Mer-
 chandize that shall be
 shipped in any suspected
 place adjoyning to the
 water, if there be not In-
 dentures made between
 the owner, the Mayor, or
 Constable of that place,
14 Hen. 6. 5.

Every Mayor, Sheriff,
 Bayliff, Constable, or any
 other Minister of Justice,
 within any of their Juris-
 dictions or limits, upon the
 pain of fourty shillings for
 every default, ought to
 search once every month
 at the least, the places
 D where

where any unlawful Games shall be used, and may arrest and imprison both the Keepers and the Gamesters; and if any of the Officers aforesaid shall know of any Tradesmen whatsoever, Mariner, Fisher-man, or Water-man, that doth play at Tables, Dice, Cards, Tennis, Quoiting, Logging, or any other unlawful Game out of Christmasts, or out of their Masters house in the Christmasts, unlesse by the Masters license, that hath a 100. *l. per annum*, then such Officers may commit-

mit them to Ward, till he be bound to the King in such a sum as the Officer shall think fit, not to use the same again. 23. Hen. 8. 3.

By the Statute 21 Hen. Bridges. 8. 3. four Justices are authorized to make a Tax of money for the repair of any decayed Bridge in the High-way; and this must be made by the Constable, or two of the sufficientest Inhabitants of the Parish.

The 23 Hen. 8. 4. gives vessels. power to all Mayors, Sheriffs, Bayliffs, and Constables, (where no Wardens

of Coopers be) to search, view, and gage Barrells, Kilderkins, Firkins, and other Vessels to be made there, to have the advantage as the Wardens of Coopers in the City of *London* hath.

Making
Malt.

The 27 *Eliz. cap. 14.* doth enable the Constables of all Boroughs, or Market Towns, to view, search, and servey all such Malt, to be made or sold; and if any made at any time (except in *June, July, and August*) but it shall have at the least three weeks in the *fat* floor steeping, and sufficient

cient drying thereof in the months aforeſaid, ſeventeen dayes at the leaſt; and if any ſold that is good mingled with bad, or made of Mow-burnt Barley, or ſpired, or not ſufficiently well trodden, rubbed, or fanned, where half a peck of duſt, or more may be fanned out of one Quarter, then may the Conſtable, with the advice of one Juſtice of Peace of the ſame County, cauſe the Malt to be ſold to ſuch perſons at reaſonable prices, under the common price of the Market, as to his diſcreti-

on shall seem meet.

County
stock.

The 13 *Eliz.* 2. and 3. puts the power in the Constable and Church-wardens of each Parish, if the Parishioners disagree, to Rate and allot within their parish, their Assessment for the Shire-stock, wherewith the Parish was charged at the quarter Sessions, and may levy the same, upon any of the Parishioners by distress and sale of his goods, restoring the overplus to him.

Tippling.

By the 21 *Jac.* 7. all Constables and Church-wardens shall in their Oaths

Oaths be charged to present the offences against the statute, 1 Jac. 9. Of all Inn-keepers and Ale-house-keepers, that suffers any to continue Tippling in their houses (except labouring men in dinner time, or lodger there, during their work, or upon sufficient grounds to be allowed by two Justices) forfeits ten shillings to the poor of the Parish; or that shall vend or sell less then a full quart of the best Ale or Beer for a penny, forfeits twenty shillings to the said use, the offences viewed by

the Mayor, Bayliff or Justice in their several limits, or proved by the Oath of two witnesses, and according to the 21 *Jac.* 7. one witness or his own Oath is sufficient to convict any; penalty is to be levied by the Constables or Church-wardens of the Parish where the offences are done; in default of payment within six dayes, the distresse to be apprizd and sold, and the overplus restored to the party, upon pain of forty shillings to the use of the poor, if the duty be neglected.

The

(57-)

The 1 *Jac.* 29. speaks <sup>viſtual-
ing hou-
ſes.</sup> that all Juſtices of Peace, Mayors, Bayliffs, Head-officers, and Conſtables, in Lent-time may enter into all houſes for Viſtualing, and where any fleſh ſhall be ſuſpected to be dreſſed, and finding any dreſſed in Lent-time, or on Fiſh-days, (except provided for Ships, or killed three days before Eaſter) may ſeize the ſame as forfeited, and give it to the poor.

In the 3 *Jac.* 4. the <sup>Preſent-
ment of
Recu-
ſants.</sup> Statute enables Conſtables and Church-wardens to be preſent once every
C 5 year

year at the Quarter Sessions, to present the monthly absence of Recusants from Church, and their Childrens Names, nine years old and upwards, living with their Parents; with their Servants, and in default thereof, forfeits twenty shillings; and if any of them be indicted and convicted, (not before convicted) shall have forty shillings of the Recusants goods.

Stat. 5th. The 3 Jac. 12. instructs the Constables & Churchwardens of all Market-Towns, Parishes, and Liberties, where any offence
is

is committed about the erecting new Wears along the Sea-shore, or in any Harbour, Haven or Creek, for the destruction of any Spawn or Sea-fish, in any Wear, or other Engine, within five miles of the mouth of any Haven, or with fishing with any Hay-net, or Drag-net, under three inches meash, may levy the forfeiture by distress, or sale of the offenders goods, returning the overplus.

The 7 Jac. 3. enjoynes Apprentices. the Parson or Vicar of all Towns and Parishes, not incorporate, with the Constables

stables and Church-war-
ens, Collectors, with the
Overseers for the poor,
concerning money given
for binding Apprentices
of the poors Children
within their Parishes, and
they have the placing of
them; and to give such
monies with them as they
shall think fit, according
to the will of the donor;
and if they make default,
then every one so offen-
ding forfeits three pound:
and the Master, Mistriss,
or Dame of such Appren-
tices, shall be bound with
one or two sufficient sure-
ties in double the summe
they

they have received with the Apprentices to the Parson, Vicar, &c. to repay the money so received at 7. years end, or within three months next after. And if the Apprentice, Master or Mistriss, happen to die within the term, then within one year next after such death the Parson, Vicar, or Constable, shall put forth such moneys within three months after their receipt ; and if there be not fit persons to be *bound* in the Townes and Parishes, then in the next Parishes adjoyning the poorest

est Children may be placed by the discretion of the Parson, &c. And that no Apprentice be above fifteen years of age to be bound; and the Parson, Vicar, Constable, &c. shall every year in Easter-week, or within a month, give up his account before four, three or two Justices of the Peace inhabiting in or next to the said Towns and Parishes, for all such moneys as they have employed in binding of Apprentices; and of all Bonds and Obligations for the payment thereof: and

and the moneys remaining in their hands, they are at such accounts, or ten dayes after to deliver it to their Successors, or such as are in their places, with the bonds and moneys as they have in their hands not imployed.

The 21 *Jac.* 29. doth ^{Curfing}
enable all Officers, whe- ^{and}
ther Justices of Peace, ^{swearing}
Mayors, Bayliffs, Constables, &c. where any shall swear or curse in the hearing of any of the aforesaid Officers, or shall by two witnessses, or their ~~own~~ confession before any officer

cer where the offence is committed, be convinced by this Act to minister an Oath; the offender for every offence shall pay one shilling to the use of the poor of the said parish; and it is warranted by this Statute, that the Constables, Church-wardens, and Overseers, may levy such sums of money as shall be forfeited by distress or sale of the offenders goods, rendring the overplus; and if he have no goods, and be above the age of 12 years, he shall be set in the stocks three hours; if under the said

said age, and shall not instantly pay the 12 pence, then by a warrant from the Justice or head officer, &c. shall be whipped by the Constable, Parent or Master, in his presence; all offences against this Statute, shall be done within twenty days after the offence committed.

By the 1 *Car.* 1. there shall be no meetings or assemblies of the people out of their own parishes on the Lords day, for any sports or pastimes whatsoever, as Bear-baitings, Bull-baitings, or other unlawful

Prophane-
ning the
Sabbath.

lawful sports or pastimes; if any offend herein, the forfeiture is 3s. 4d. to the use of the poor of the said parish where the offence is committed; it is a sufficient conviction if it be done in the presence of any officer, or confession of the offender, or one witness or more upon Oath: which the said Justice or any chief officer by this Act is authorized to administer; and if any of the said Officers find any person offending, by warrant under his hand and seal, to the Constables or Church-wardens of
the

the parish where the offence is done, to levy the penalty by distress or sale of Goods, rendring the overplus to the offender ; in default of distress to put the offender in the Stocks three hours ; the offender must be prosecuted within one month.

The 3 *Car.* 1. punisheth all Carriers, Waggoners, Carter, Wainman, or Drover that travels on the Lords day, with the forfeiture of 20^s. and all Butchers that kill or sell any victuals upon that day lose 6^s. 8^d. The summes and penalties after conviction

Carrier
or Waggoner.

viſtion before a Juſtice of peace, or any other head-officer by warrant from the Juſtice, may be levyed by the Conſtable or Church-wardens, to the uſe of the poor where the offence is committed, by diſtreſs & ſale of goods, rendring the overplus; here the conviction ſhall be by view of the Juſtice or other head-officer, confeſſion, or upon oath of two or more witneſſes; the offence to be proſecuted within ſix months.

of

*Of the Sabbath and
Holy days.*

BY the Statute of the
2 and 3 of *Edw. 6.*
cap. 19. 1 *Car. 1.* and
and 3 *Car. 11.* The Con-
stable is enabled to re-
strain all concourses of
people, that come out of
the limits of their own
Parishes, for any pastimes
whatsoever; And that
there be not any Bare-
baiting, Bull-baiting, En-
terludes, Common-plays,
or unlawful Pastimes on
the Lords Day, and if
any offend herein, by the
view

view of one Justice of Peace in the County, or the chief Officer in a Corporation, by his own confession, or one witness upon Oath, before one Justice, or such an Officer, forfeits to the poors use, 3. shillings 4. pence, to be levied by distresse and sale of goods of the Offendor, by warrant from the same Justice, or Officer, to the Constable or Church-wardens of the Parish; and in case no distress, the Offendor is to sit in the stocks 3. hours. The prosecution upon this Statute, must be within

in a month of the offence committed ; and in case the Officer be questioned , the General Issue is to be pleaded, and any special matter may be given in Evidence, 1 Car. 1.

The 21 Jac. 7. says, all ^{Drunk-} persons that shall be ^{kennels.} drunk, it shall be a conviction upon the view of any Magistrate, confession, or one witnesse proving the same ; the forfeiture is 5. shillings to be paid within one week after the offence committed to the Church-wardens of the Parish, to the use of the poor ; in default of payment,

ment, to be levyed by distress or sale of the offenders goods, by warrant from the Justice before whom the conviction was; if the offender is not able, to be set in the Stocks 6. hours; and if the Constable or other Officer neglect his duty herein in punishing, or levying the forfeiture according to the Act, he forfeits 10. shillings to the poors use, where the offence is committed, to be levyed by distress or sale of Goods, rendring the overplus to the offender; And all persons that
shall

shall continue tipling in any Inn, Victualling-house, or Ale-house in the same City, Town or Village where he inhabits, excepting handy-crafts-men and travellers, upon working dayes, one hour at dinner, labourers and workmen, which for following their work, sojourn or lodge in such houses, other then for urgent occasions allowed by two Justices, & the same be seen by any Mayor, or other Head officer or J. of Peace within their limits, or by Oath of two Witnesses; but by the Statute

E

of

of 2 Jac. 5. the Magistrates view, his own confession, or one witness is sufficient to convict him; the forfeiture is 3s. 4d. to the poors use where the offence is committed, to be levied as aforesaid; and if the Offendor be not able to pay, to sit four hours in the Stocks; all these offences are to be presented by the Constables or Church-wardens before the Justices of Assize in their circuits, Justices of peace in Sessions, Mayors, Bailiffs, and other Head-officers of Cities and Towns corporate, that have

have power to inquire of
 trespasses, and in Court
 Leets; they that shall be
 convict the second time,
 shall be bound with two
 Sureties in Ten pound,
 to be from thence of good
 behaviour, but none shall
 be punished by this Sta-
 tute, unless he be pre-
 sented, indicted, or con-
 victed within 6 months
 after the offence commit-
 ted; and the oath of him
 that confesseth the of-
 fence, shall be a convicti-
 on against any that of-
 fends at the same time.

The Constables Oath.

You shall well and truly serve the Kings Majesty in the Office of a Constable, and shall see the Kings Peace to be well and truly kept to the utmost of your power; you shall arrest all such persons as in your presence shall ride or go armed offensively, or shall commit or make any riot, affray, or other breach of the peace; you shall do your best endeavour upon complaint to you made, to apprehend all Felons, Barretors, or Rioters, or persons riotously assembled; and

and if any such offenders shall make resistance with force, you shall levy Hue and Cry, and shall pursue them until they be taken; you shall do your best endeavour that the watch in your town be duly kept, & that Hue and Cry be duly pursued according to the Statute; & that the Statute made for punishing vagabonds, rogues, and night-walkers, and such other idle persons coming within your liberties, be duly put in execution; you shall have a watchful eye to such persons as shall man-
 nage, or keep any common
 E 3 house

house or place where unlawful Games are used, or such as shall frequent such places contrary to the Statute; And you shall have a care for the maintaining of Archery. At your Assizes, Sessions, or Leet, you shall present all the Offences contrary to the Statutes, made and provided for the restraint of inordinate haunting, and tipling in Inns, Taverns, and Ale-houses, and other Victualing places for the repressing of Drunkenness, and prophane Swearing; you shall true presentment make of
all

all Blood-shedding, Affrayes, Out-cryes, Rescues, or other Offences committed or done against the Kings peace within your limits; you shall well and duly execute all Precepts and Warrants to you directed from the Justices of Peace, and others who have authority in this County; you shall well and truly, according to your knowledge, power, and ability, do and execute all other things belonging to the office of a Constable, so long as you shall continue in the said office: So help you God.

*Who be Rogues by the
Statute.*

Rogues.

ALL persons are *Rogues* above the age of seven years that shall call himself a Schollar, and go about a begging; Sea-faring-men not suffering Ship-wrack, or having a Justices testimonial of or neer the place where he landed, if he beggs, or exceeds the time of his Testimonial; all that begs, or uses any subtil craft, or unlawful Games or Playes; that pretends skill in Physiognomy and
Palme-

Palmestry, foretels Desti-
 nies or Fortunes, wandring
 persons, that call them-
 selves a Proctor, Procuror,
 Patent-gatherer, or Col-
 lector for any Goal or
 Hospitall, all Fencers,
 Bearwards, and Minstrels;
 all Juglers Tinkers, Ped-
 lers, Petty-chapinen, or
 Glasse-men that wander
 abroad; all common la-
 bourers wandring abroad,
 not having meanes to
 maintain themselves, be-
 ing able of body to work,
 and refuse to work for
 lawful wages; all freed
 from prison, and begs for
 Fees; all that pretend

loss by Fire; all (not being a Fellow) that call themselves *Egyptians*. By the Statute 1 Jac. 31. such as go abroad wilfully, being infected with the Plague, and are commanded to keep their houses, although no sore about them; by the Statute of 39 Eliz. 4. they likewise are deemed, and taken to be incorrigible Rogues: the Constables and Tything-men of all Hundreds and Parishes shall upon the apprehending of such Rogues, with the aid of the Minister, and one of the Parish, ap-

MUSEVM

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BRITANNICVM

appoint such Rogues to be whipped until his body be bloody, and send him from Parish to Parish, by the officers to the place where he was born, if it may be known by his confession; if not, then to the Parish where he or she last dwelt by the space of a year; if that cannot be known, to the place where they passed last without punishment; and after such whipping, such Rogues shall have a Testimonial sealed and subscribed by the Constable or other Officer with the Minister, or any

two

two of them; the substance whereof shall be Registered by the Minister in a book upon pain of 5. shillings.

The manner of the Testimonial.

N. W. a sturdy Rogue of middle stature, aged 16 years, describing the private marks in his face, and the manner of his habit, with the place of his birth and County, and the day of the month he was taken begging, and was there lawfully whipped; and is to travel the direct

direct way, naming the place; and is allowed three dayes for his going home, and no more, at his peril; sealed and subscribed the day and year above written.

By us { A. B. Minister.
W. A. Constable.
W. E. Parishoner.

And such Rogues that
fulfils not the contents of
his Testimonials, then he
or she shall be whipped
in all places where de-
fault is made, till they
repair to the place so ap-
pointed: And this Testi-
monial must be carried
with

with them, and it is required to put down the several marks on the bodies of such Rogues, that the Officers may not be deceived: And if he will not be reformed, any two Justices of the Peece may commit him to the house of Correction, one being of the Quorum.

The Statute 1 *Jac.* 7. commands all persons to apprehend such Rogues or Vagabonds, as shall come to their Houses to beg Alms, and them to carry to the next Constable or Tythingman, upon the penalty of 20. shillings

lings for every default.

All Constables, Head-borrows and Tything-men, that shall make any default in the executing of their Offices, shall lose for every default ten shillings. And by the Statute, 1 Jac. 7. the Constable or Tythingman forfeits twenty shillings. And any other person that shall disturb any Officer in the execution of his Office against Rogues, shall forfeit for every default five pound, and be bound to his good behaviour.

All Constables and Tything-

thingmen, shall take and punish all Rogues and Beggars that shall be set a shore here from *Ireland, Scotland, and the Isle of Man*, till he come to the next Port or Parish, where he was first Landed, upon the forfeiture of ten shillings.

If a Rogue affirms that he was born in such a Town, in such a County, and it appears to the contrary, the Statute then terms him an incorrigible Rogue, and he is to be sent to the House of correction; and if there be no House of correction, then

then to the Goal until the next Sessions, and there to be ordered according to the Statute. If the Husband and Wife have a house, and they wander up and down the Country, they must be sent to the Town where the House is; and so must likewise Inmates: And the Wife and Children under seven years, must be sent to the Husband; if he be dead, then with the Wife where she was born or dwelt last; and the vagrant children above seven years of age, must be sent to the place
of

of their birth ; and if the
 vagrant Parents with their
 children under seven
 years old be placed at the
 place of their birth, or
 last place of their abode,
 if it shall happen after-
 wards that their Parents
 die there, or run away,
 yet the children once set-
 tled must there remain,
 though they grow to the
 age of seven years ; and
 if the Wife be a vagrant
 Rogue, they must be sent
 to the Husband, though a
 Servant in another place.

Where any not being
 Rogues, do travel with
 their children through a-
 ny

ny parish, if Father or Mother die or run away, the place is not to keep them where they die, nor send them away, but only in charity, except they become wandring Beggars.

And where the Parents have work, they are to find their children with their labour; But where there is not sufficient, the Parish must bind them Apprentices according to the Statute.

None but vagrants shall be put out of the Parish where they dwell, nor relieved by the Town, except

cept impotent people, but ought to set themselves at work; if they cannot, the Overseers must set them at work; And all such persons as be of ability to work, are not to be sent to their place of birth, or last dwelling, by the space of a year, but to the house of correction, according to both the Statutes of the Poor, and Rogues; but if they have any lawful means to live on, though they work not, yet they shall not be sent.

If any Officer shall remove any out of the Parish

rish, that ought not to be put out, it is against the Statute that is provided for the relief of the poor, and ought to be fined, and if any have been so sent, they are to be sent back.

Where any is sent to a Parish where he ought, and he is refused, whether a sturdy Rogue or impotent, the forfeiture is five pound; and he that is so sent, is to be left to the Church-wardens and Overseers; And all Rogues must be sent by a Passport and conveyed from Parish to Parish, as the Statute

tute requires, upon the penalty of five pound. And likewise where the Officer will not receive a Rogue to convey him to the place where he was born or last dwelt, the forfeiture is five pound.

None may be permitted to beg by the Highways, though in their Parish, nor to take relief at any mans door, in the same parish, unless by the appointment of the Overseers.

In the word Parents is meant a Father or a Grandfather, Mother or Grandmother, being able per-

persons ; and in the word Children, is any Child or Grand-child ; and all Parsons or Vicars, may relieve the poor of their parish as well as others that dwell in the parish.

Where any man hath an impropriation of any Tythes, Cole - mynes or Lands in manual Occupation, is chargeable; and those that have saleable Woods, where they receive any annual benefit, shall be taxed to all the aforesaid payments ; and where there is but one Church-warden, it is sufficient to charge any person

son with the Overseers.

No Justice of the Peace are to meddle in the choosing of a Constable, either in Sessions, or out of Sessions, where it hath been time out of mind used in a Court Leet, unless there hath been some neglect, or misgovernment in the said Court. The Kings-Bench is to decide the difference, if any Justice of Peace shall intermeddle to remove a Constable that hath been chosen by the Leet, and the Leet may put him in again. For there always hath been a question of
the

the Justices power herein,
as you may read, *Trin.*
9 Jac. Ban. Regis, and in
the Report of *Stiles* 362.

But it hath been agreed
by all the Judges, if the
Leet do not choose a fit
man Constable, or neglect
to give him his Oath, or
doth any unlawful act in
the choosing him, the Ju-
stices may choose one;
Steels Rep. 71. *Mich.* 22.
Car. Ban. Regis.

And if a Constable die
or be removed, then the
Leet, if near, may choose
one otherwayes; it must
be done by the Sessions,
or out of Sessions, by the

two next Justices, and the Lord (if any miscarriage be proved) shall loose his Leet; and this was the Resolution of all the Judges in 1633.

But now there is a provision made by the 14*Car.*2. that if such officer either remove or die, any of two next Justices, or any other two Justices may swear a new one to continue till the Leet or quarter Sessions, and then the Steward of the Leet or Justices, are to choose or swear an other. Or,

And if a Constable have served his Office a year,
the

the Justices at their Quarter Sessions may discharge him of the Office, and put in another till the next Court Leet.

You shall read *Trin. 9. Ban. Regis.* that where there is no Leet for the Hundred, the Justices shall make High Constables, and this hath been constantly done by the Justices.

Crook 1. part 283. sayes, that all Attorneys are priviledged from serving any Office, and the reason is, because they attend the Kings Majesties Courts, and if any should

be chosen, the Law allows them a Writ.

And likewise every Servant of the Kings Majesties, in ordinary, are priviledged, because they are alwayes supposed to be attendants upon his Person in his Court or affairs. *Vide Resol.* of the Judges, 1633.

And if any be chosen to the Office of Constable, and refuseth to serve, he shall be fined or imprisoned for his contempt, and the Judges of the Kings-Bench may compel him to it if he have not some legal impediment

pediment, *Vide Crook*
 1. 409.

The office of a Constable of a Hundred, may not make a Deputy for the Execution of his Office, yet a Deputy may do many businesses in his Office in the Constables name, but the Constable shall be respondent for the same. *Vide Resol. Judges in 1663.*

Where in some Parishes or Towns, the custom of the place is, that the Office shall go from house to house, is not good, but yet where there is a custom that every man

that is sufficient in the place, shall serve the Office, or find a man to do it, may be good, *Crook. 1. 283.*

A Constable of one Town shall not execute his office in another Town where he is not Constable, and the person that is so chosen must be *persona habilis & idonea*: Or else he may be removed. *vid. le Statuta 10 Eliz. 4. 18.*

The Ministers Office.

THe Minister or Curate of every Parish ought to Register the Testimo-

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stimonial of every Ser-
vant at his departure out
of his service, and two
pence is allowed for the
Registring.

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Co
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He is to aid the Con-
stable or Tythingman in
the whipping of all
Rogues, and to Register
them, and to send a Te-
stimonial with the Rogue
after he is whipped, upon
the forfeiture of five shil-
lings for every default.

He hath power to give
Licence to any that is sick
during the time of his
sickness, to eat flesh up-
on days prohibited, and
shall have four pence for

License
to eat
flesh.

Registring the same in the Church book, if the parties sickness continues above nine days after the Licence granted : But the Statute 1 *Jac.* 29. that no sick person by vertue of 5 *Eliz.* 5. is warranted to eat any Butchers meat in Lent, or any other dayes prohibited, but the sick person may incurre the penalty of the said Statute.

Coming
to
Church.

If any person shall after notice given by the Minister, Curate, or Church-wardens, maintain or keep in his house, or any where under his
tuiti-

tuition, any person that wilfully refuseth to come to Church, forfeits ten pound for every month; and by 35 *Eliz.* 1. the the Minister or Curate of the Parish may require any person within three months after his conviction, to make publick confession and submission in the time of Divine Service on a Sunday or Holy day.

The 35 *Eliz.* 5. gives power to the Minister or Curate of the Parish, and to the Constable and Tythingman of any Town, to which any Recusant is

F. 5 sent,

sent, to enter the same into a book to be kept for the purpose, and shall certifie the same at the next Quarter Sessions for that County.

Solem-
nizing
the 5. of
Novem-
ber.

By the Statute of the 3. of King *Jac.* all Ministers after morning Prayer or Preaching, shall publickly and distinctly read the said Statute concerning the miraculous delivery of the King and State from the Powder-Treason, giving to Almighty God a Sollemn Thanksgiving annually, in all Churches within his Majesties Dominions.

He

He that shall wilfully disturb a Preacher in his preaching, or shall rescue him that hath so done; a Justice upon complaint only, for six dayes, may commit him to custody; but after the six dayes, two Justices must take the examination, and finding it either by his own confession, or proof, or by two witnesses that he is guilty, may commit him to prison for 3. months.

Vide le Statuta, 2 Phil.

& Mar. cap. 3.

But this Act mentions not whether the evidence shall be by Oath, nor im-
power.

powers the Justice to give an Oath, and therefore it is the surest way, to leave the Offendors punishment to the Sessions.

And if an Offendor against this Act, doth make an escape, the Town where he escapeth, shall be punished. But no mention is made in the said Act, whether the evidence shall be by Oath; neither are the Justices impowered to give an Oath; Therefore it is the best way to leave the Offendor to the Sessions.

Where any man shall
affront,

affront, threaten, or force any Minister to use any other Service, or hinder him in doing the Service according to the Book of Common-prayer (that is by sundry Acts establish- ed.) For the 1. offence, shall pay 100. Marks, for default of paying within six weeks after conviction, imprisonment without Bayl. For the 2. offence 400. Marks, non-payment in six weeks, 12. months imprisonment without Bayl. For the 3. offence, the loss of all his Goods, and Chattels, and Imprisonment during life.

By

By the 2 and 3 *Edw. 6.* the first offence is ten pound, and for non-payment after conviction, Imprisonment 3. months without Bayl. For the 2. offence, 20. pound, which if not paid in six weeks after Conviction, imprisonment six months without bayl. 3. Offence the loss of all his goods and chattels, and imprisonment during life.

A CONVENTICLE.

The definition
of a Con-
venticle.

A Conventicle is described by the Canon, to be a meeting of Mini-

(III)

Ministers or others, to consult about any thing that shall tend to the depravation, impeachment, or abuse of the Doctrine of the Church of *England*, or of the Book of Common-Prayer, or of any part of the Discipline, or Government of the Church, and by the Canon the punishment is Excommunication, *ipso facto* Can. 73.

Vide le Statute 35 Elizabeth I. punishes all persons that obstinately do refuse to come to Church, and perswade others to impugne the Queens authority

thority in the Law Ecclesiastical, and to avoid the inconveniencies of the dangerous practises of seditious, schismatical and disloyal sectaries, or meetings of people, under colour or pretence of any exercise of Religion, contrary to the Lawes and Statutes, *Vide Lamberts Justice of Peace*; in title *Commission of the Peace*: There he describes it to be a meeting under colour of exercise of Religion, to oppose the Kings Authority in causes Ecclesiastical, or against the Laws and Statutes of the Realm.

By

By this Statute, the Constable is commanded to go where he hears their Meetings are, and to carry them before the next Justice, and after being thereof convicted, is to be committed to Prison, and there to remain without Bayl, till he conform or come to some Church, Chapel, or Place of Common-Prayer, to hear Divine Service according to the Laws and Statutes; And being so convicted of this offence, shall refuse to conform, and come to Church, and to make his submission within

within 3. months after, being required by the Bishop of the Diocess, Minister of the place, or one Justice of the County where he lives, then such person at the quarter Sessions, or Affizes, shall there take his Oath to abjure the Realme for ever, unless Licensed by the King and his Council to return. And his Abjuration shall be certified by the Justices to the Judges of Goal-delivery, and if he refuse to abjure, or departing, return without the Kings License, shall suffer as a Fellow.

It

It is further explained by the said Statute, that he that shall abjure, or shall refuse so to abjure, being required, shall forfeit all his good and chattels for ever, and lose all his Lands and Tenements for life, and no longer; but no loss of Dower or Corruption of blood, to be in this case.

*The Church - Wardens
Duty.*

BY the Statute 12 Hen. 7. *in fine* Church-wardens by the common Law of Their office by the common law.

of *England*, are taken by way of favour to the Church to divers purposes, and as it were for a Corporation, being enabled to take Moneys, Goods and Chattels, and may Sue and be Sued for them to the use and profits of the Parish, so that any man may in the time of his Life, or by his last Will, give and bequeath moneys, or other moveable goods, either to the Church-wardens, or to the Parishioners of a Parish for the separation of the Church, or for the buying of Books

Books, Communion Cups,
 or other Ornaments for
 the Church; and the Law
 so favourably doth take
 it, that its not materially
 needful to express it in
 apt words or writing; as
 for example, if one give
 a Bell, and hang it up in
 the Steeple, or make a
 Pew in the Church, and
 makes no word of writing
 thereof, yet it is by this
 Dedicated and given to
 the Church: *Lib. intra.*
fol. 570. 11 Hen. 4. 12.
8 Hen. 7. 12.
 The Church - wardens
 may maintain an appeal
 of Robbery, against him
 that

that steals any thing out of the Church, being once in the possession thereof, or an action of trespass, as you may read 37 *Hen.* 6. 30. *and* 34. 11 *Hen.* 4. 12. 8 *Edw.* 4. 16. and and if the Parson or Vicar shall take any of the Goods belonging to the Church, the Church-wardens may bring their Action, and recover damage to the use of the Parish; and if those Church-wardens dye before the Action be brought, or the Goods for which they sue be recovered, their successors may bring their Action.

And

And if any of the Church-wardens do waste the Goods of the Church, the Parish may put out those and choose new, and the new Church-wardens may bring an action of Accompt against the old, and compel them to make satisfaction to the parish for the wrong they have sustained during their office; and although the custom of some parishes is to continue them, some one year, some two years, some three years; yet upon any default in them, the parishioners may at any time when they

they please proceed to a new Election, and call them to an account; yet shall the former Churchwardens have an allowance of all such summes of money as they have needfully expended upon the Church, or upon meet and lawful Ornaments; and this they are compellable to do by the Laws Ecclesiastical; and they shall have allowance of moneys upon their Accompts that they have paid for the relief of prisoners in the common Goal, as you may see in the Statute 14 *Eliz. cap. 5.*
and

and of any other thing
 the Law charges them to
 do; but in Lands, or the
 profits thereof they must
 not meddle at all; as if
 the walls, windows, or
 doors of the Church be
 broken, or trees in the
 church-yard be cut down,
 or Grafs eaten up; but
 this belongs properly to
 the Parson or Vicar, as
 you may see in the Sta-
 tute, 11 Hen. 3. 13.
 12 Hen. 7. 77. 13 Hen.
 7. 9.

All persons shall repair Coming
to
Church.
 to their parish Church, ex-
 cept they shall be hindred
 by sickness, or any other
 law-

G

lawful excuse, or to some other place where the Common-Prayer is used upon Sundays or other days, which are usually to be kept Holy, and shall then and there sit orderly during the time of Common-Prayer and Preaching, upon pain to be punished, according to the Churches censure, and upon the forfeiture of twelve pence for every person so offending, to be by the Church-wardens, levied to the poors use, of their Goods, Lands, and Tenements; *vid.*
1 Eliz. cap. 2.

The

The Constables and Church-wardens of all High-ways. Parishes, shall every year on Tuesday & Wednesday in Easter week, call the Parishioners together choosing then two honest Surveyors of the Highways, of the said Parish, for the year ensuing, which leads to any Market Town; if they refuse the execution of the office, they shall forfeit twenty shillings; The Constables and Church-wardens shall then name six days for the amendment of the said ways before *Midsummer* next,

giving knowledge of the said six days the next Sunday after *Easter*, and shall call the Constable to an account, having one part of the Estreats indented.

Eating
flesh.

Where any shall eat flesh, either in Lent, or any other days observed for Fish-days, he forfeits three pound for every offence, or shall suffer three months imprisonment; and every person in whose house any offence shall be done, being privy, and having knowledge thereof, not disclosing the same to an officer that hath power to punish

punish, shall forfeit for every offence fourty shillings; the third part of all the forfeits shall be to the use of the poor of the Parish, where the offence is committed; after conviction, to be levyed by the Church-wardens, as you may read, 5 *Eliz. cap. 5.*

All Licences that are to be given by the Bishop of the Diocess, or by the Parson, Vicar or Curate, in case of sickness, ought to be Registred, if the sickness continue above 8. days after it is granted, in the Church-Book, with

Licence
to eat
flesh.

the privity of one of the Church-wardens there, and the party that is Licensed, shall give four pence for it. *vid. 5 Eliz. 5.* the duties of Ministers before.

Poor.

A Justice of Peace may appoint the Church-wardens, and 4, 3, or 2 of the Parish, to be overseers of the poor; and they may by consent of the Major part of them, take order for the setting married or unmarried persons on work, that have no means or ordinary trade to live by; and the Children of such Parents as shall

shall be unable to maintain them, and may set up any Trade or Mystery for that purpose, and may Tax as well Inhabitants as Occupiers of Lands in the Parish to pay weekly such summs of moneys as they shall think meet for a stock, for the releif of the impotent poor there, & for to put out Apprentices of such Children; And they to whom they shall be put, shall take, receive, and keep them as Apprentices, and may do any thing concerning the premises, as they shall think meet, *vid.* 1 Jac.

51. 2 *Jac.* 28. 3 *Car.* 4:
 The Church-wardens,
 and Overseers shall render an account before two Justices of Peace of their Money, stock and other things concerning their Office, and such Moneys as shall be remaining in their hands, to the new ones that are chosen in their places, upon the forfeiture of twenty shillings, for every monthly default, without cause to be shewn and allowed by two Justices.

The Church - wardens
 and Overseers are im-
 powered by the said Sta-
 tute,

tute, by warrant under two Justices hands, to levy all taxations by distresse and sale of their goods, as shall be found in default, rendring the overplus to the party, and may with the License of the Lord of the Mannor erect convenient houses for the poor of their parish at their general charges; and when the yearly Stock is assessed by the Justices at the quarter Sessions, it shall be by the agreement of all the parish; and in default, by the Church-wardens and Constables of the Parish,

or the Major part of them, who may levy the same by distress and sale of the goods of such as refuse to pay their part, rendering the overplus to the owners ; and the Churchwardens or Overseers must pay it to the high Constable within whose limit the Parish is situate ten dayes before the end of every quarter Sessions, such Moneys as the Parish ought to pay for the releif of the prison in the Marshalsey, and Kings Bench, upon the pain of ten shillings for every default of payment..

By

By the 43 *Eliz. cap. 3.* Souldi-
 if the Parishioners agree ^{ers mo-}
 not to the rate for the ^{neys.}
 maintenance of disabled
 souldiers, the Church-war-
 dens and Constables of
 the Parish, or the Major
 part of them may levy
 such rates by distress and
 sale of their Goods, of a-
 ny that refuse to pay, ren-
 dring the overplus; which
 must be collected and
 paid over to the High
 Constable, within whose
 Hundred the Parish is;
 and all such summs of
 Moneys as are collected
 ten days before every
 quarter Sessions of the
 peace.

peace upon the penalty of twenty shillings for every default.

The Statute of 1 *Jac. cap. 9.* says, that if Constables and Church-wardens neglect their office in punishing Inn-keepers, Victuallers, and Ale-houses, by the space of twenty days in certifying their defaults, they shall forfeit twenty shillings to the poors use.

The Statute of 1 *Jac. cap. 27.* inhibits all persons to keep any Greyhound for the coursing of any Hair or Deer, or any setting Dogs, or Nets for
the

the taking of any Phe-
 sants or Partridges; the
 Church-wardens have po-
 wer by this Act, where
 the offence is commit-
 ted, to receive to the use
 of the poor of the Parish
 forty shillings. 3 *Jac.*
cap. 4. enables the Church-
 wardens and Constables
 of all Towns, and Pa-
 rishes, to present in the
 quarter Sessions, or at the
 Assizes, the monthly ab-
 sence of Recusants from
 Church; and they are to
 certify the names of their
 children above nine years
 old, and the names of
 their Servants, upon the
 for-

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forfeiture of twenty shillings; and if upon the Inditement they be convicted, they shall have forty shillings out of their goods; and the Churchwardens may by Warrant from one Justice of Peace, levie to the use of the poor, the offenders Goods, by distress or sale, rendring the overplus; and the forfeiture is 12. pence for every default, in not coming to Church every Sunday, according to the Statute 1 *Eliz. ca. 2.*

Absence
from
Church.

By the Statute of 1 *Eliz. cap. 2.* the Churchwardens may levie to the use of

of the poor, where the default is, twelve pence; by warrant from one Justice of Peace, by sale of the Goods of the offender, rendring the overplus, for not coming to Church every Sabbath day.

The Statute of 3 Jac. ^{Offenders conveyed to prison.} cap. 10. says, that the Constable and Churchwarden with two or three of the Parishioners may make a Tax, where an offender is committed to prison, and hath not sufficient for his conduction thither.

The Statute of 21 J. 18. ^{clothing} says,

says, the Clothier that makes any cloth that is not good and warrantable by that Statute, forfeits five pound by a warrant from two Justices or more ; the Church-wardens and Overseers of the poor of the Parish where the default is committed, may levie the penalty for every cloth deceitably made, by distresse and sale of their Goods, rendring the overplus ; the distribution is to the poor of the said Parish ; and where no distrefs is, the offender shall be committed to the Goal, until pay-

payment be made to the Church-wardens and Overseers, to the use above-said : And they to be accountable for those moneys, as they are for other moneys, which is by them collected for the poor ; *vid.* 43 *Eliz. cap.* 3. and by the Statute 21 *Jac. cap.* 18. Two third parts of the forfeitures for want of length, breadth, or weight of Cloths by any other Statute now in force, shall be levied, distributed, and accounted as the forfeiture afore-said.

of

Of Quakers.

The defini-
tion of
a Quaker

THE Statute of the 14
Car. 1. cap. 2. sayes,
that *Quakers* by this Act,
are such persons as holds
dangerous Opinions, and
such as holds, that the ta-
king of an Oath in any
case whatsoever, although
before a lawful Magi-
strate, is altogether unlaw-
ful, and contrary to the
Word of God; And do
refuse an Oath lawfully
tendred.

That if any person who
shall maintain, that the
taking of an Oath in any
case

case whatsoever, before
 a lawful Magistrate is un-
 lawful, and against the
 Word of God, and shall
 wilfully refuse an Oath,
 that by the Law he is
 bound to take, being du-
 ly tendred to him; or shall
 perswade or endeavour to
 perswade any other per-
 son to whom it shall be
 tendred, to refuse to take
 it; or shall by Printing,
 Writing, or otherwise go
 about to maintain or de-
 fend that the taking of it
 is unlawful; or the said per-
 sons called by the name of
Quakers, shall go from
 the places of their dwel-
 lings,

lings, and assemble to the number of 5. or more, of 16. years old and upwards at one time, and in one place, under pretence of joyning in a Religious worship (not Authorized by the Law of the Realm) being convict by the verdict of 12. men, or his own confession, or the notorious evidence of the Fact ; For the first offence shall forfeit any summe, not above five pound, to be levied by distress and sale of his Goods, by warrant of the parties before whom the conviction, shall be for want of distresse or non-

ie non-payment in a week,
of to be committed to the
ds common Goal, or House
ne of Correction for three
of months without Bayl, to
us be kept at hard labour.

d For the second offence,
a) the forfeiture is 10. pound
r- by distress, to be levied
is as aforesaid; for non-pay-
ne ment in that time, to be
e committed 6. months to
ce the places before menti-
e, oned; the moneys to go
o for a stock to the House
d of Correction, as the Ju-
r- stices shall appoint. The
e 3. offence is Abjuration,
ll after a 2. Correction, or
r at his Majesties pleasure
to

to be transported to any
of his Plantations beyond
Sea.

The Judge of Assize of
Oyer, or Terminer, and
Justices of Peace in their
open and general Sessions,
may hear and determine these offences, and
as in cases of trespass, and
may make out process in
order to their conviction;
any Justice of Peace,
Mayor or chief Officer,
may commit to the Goal,
or bind over with sureties
to the quarter Sessions, any
offending in the premises;
and the Constable is the immediate officer

cer to make diligent search in all places within his jurisdiction, for the apprehension.

He that shall take the Oath that he formerly refused, giving security not to meet again, although convicted, shall be discharged.

Of Supervisors, Surveyors, and Orderers for the High-ways.

BY the Statutes 2 and High-
3 of P. and M. cap. wayes.
8. 5. Eliz. cap. 13. 18.
Elia. cap. 18. Every per-
son upon six days appoin-
ted

ted for working in the High-ways, that hath a plough-land either in tillage or pasture, in occupation in the same parish, and every other person keeping there a plough or draught, shall find and send at every day and place appointed for the amending of the ways in the Parish aforesaid, one Wain or Cart furnished with Oxen, Horses, or other cattle, with other necessities convenient for that purpose, and two able men with the same upon forfeiture of ten shillings; and every Cot-tager

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Cottager and Labourer
of the said Parish, that is
not a servant hired by the
year, shall labour upon eve-
ry of the said 6. days: The
default of every person for
every day, is 12. pence;
and if there shall be no
need of any of the said
carriages, then the persons
that should have sent
them, shall send to the
said work, to able men
for every carriage so spa-
red, upon the pain of one
shilling for every one that
shall make default: bring-
ing with them all things
materials for such ser-
vice; and all shall work

H by

by the space of eight hours, unless they shall be other-ways licensed by said Supervisors, or any one of them; and it shall and may be lawful for any of the Supervisors, or any one of them, according to the 2 and 3 of *Phil.* and *Mar.* for the better amendment of the Highways, within the limits of the said Parish, to give power to any to take and carry away any rubbish, or any broken stones of any Quarry that shall lye within the Parish, without license or controlement of the owner or owners,

fo

so much as in their discretion shall seem meet and necessary; and for default of such Quarries, the Supervisors or Overseers, may appoint any to dig gravel or sand in any grounds lying next the High-ways, within the said Parish, so much as they shall think meet and necessary for the reparations aforesaid; or any stones, or other stufte where heretofore they have usually digged.

It is provided in the said Act, that the Supervisors shall not dig in any Quarry or Quarries, but

House,
Garden
or Or-
chard.

shall take such rubbish or other materials, fit and useful for the High-ways, as there shall be found without the license and commandment of the owners; neither impower any to digg any gravel, sand, of any other thing, in the house, garden, orchard or meddow of any person or persons whatsoever; neither in any inclosed ground, then only one hole or pit for gravel as afore declared, in breadth or length, above ten yards at the most; and then that every such pit so digged, the Supervisor

visor or Supervisors shall within one month after, cause to be filled up with earth, at the cost and charges of the said parish, upon the forfeiture of five marks to the owner or owners of the soyle.

By the Statute 5 *Eliz.* Water-courses.
cap. 15. where any water-course shall be in any ditch or ditches of the High-ways, it shall and may be lawful for the Supervisor or Supervisors, to turn the same into any mans ground, or soyl in such ways, and manner, as to their discretion shall seem most meet and con-

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venient; and the Supervisor or Supervisors, by force of this Act, may within one month after any default, present the said offence to the next Justice of Peace, upon the forfeiture of fourty shillings.

Land in
several
Parishes.

The 18 *Eliz. cap. 10.* declares that every person or persons, (except such as dwell in the City of *London*) that shall be assessed to any subsidies in Kings books to five pound in Goods, or fourty shillings in Lands or above, during the time he shall stand so charged, and being

ing none of the parties so charged for the amendment of the High-ways, by any other Act, but as a Cottager, shall find two able men yearly to labour in the High-ways, as is limited and appointed by the said Acts; and all persons that shall use or occupy either in tillage or pasture, any plough-land that lies in several parishes, shall be chargeable to the ways in the parish where he inhabits, as far forth as any person having a plough-land in any one parish ; and every person or persons, that shall use

any plough-lands in several Towns or Parishes, shall find in each Town or Parish one Cart-wain, Dung-pot or Dragg, furnished for the amendment of the high-ways within the several parishes where ~~r~~ and lyes, in the same manner as if he were an inhabitant in the said Parish.

Scow-
ring
Ditches.

The 5 of *Eliz.* makes mention, that every person or persons that repairs not, or scowrs not his Ditches or Hedges adjoining to the High-way, or leading to any Fair or Market, or cuts down or keeps

keeps under his Trees or
Bushes growing next the
High-ways, shall forfeit or
lose for every default ten
shillings.

And all and every per-
son or persons that shall
use any lands next the
High-way, or leading to
any Fayr or Market, that
scowr not the Ditches as
oft as need shall require,
whereby the water may
be conveyed from the
High-way, over the
ground next adjoyning,
may pass over the ground
next, upon the forfeiture
for every Rod next ad-
joyning, not cleansed

H 5 and

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and scowred, twelve pence.

**Banks in
High-
ways:**

If any person or persons that shall cast any soyl or make any dung in any High-way leading to any Fayr or Market-Town, letting it lye there by the space of six monthes to the annoyance of the way, the Inhabitant shall forfeit every load there lyeing twelve pence. And where any hath been cast into the Highway leading to a Fayre or Market Town, so that there is a bank between the land Way and Ditch, the Surveyours or Workmen appointed

pointed for the amendment of the High-ways, are to make Sluces or other devices by their discretions to convey the water out of the said way into the Ditch, any law, right, Interest, Custome or usuage to the contrary notwithstanding.

The Surveyor, or Surveyors have power by this Statute to levy every sum or sums of money forfeited within the parish, by distress in the same manner as Fines, or Amercements in Court-Leets have been used; and the money to be employed upon the High-
In default of Surveyors, Constables or Church-wardens may.

High-way that leads to any Fayr or Market-Town where the offence is committed; if the Surveyors do not levy and imploy it within one year after the offence is committed; that then the sums or forfeitures shall be levied by the Constables or Church-wardens of the Parish where the work ought to be done in the High-way; and that then he or they that shall levie any such penalties or forfeitures, shall make their account as the afore-mentioned Statutes recite.

The

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The Statute 39 *Eliz.* 2:
cap. 19. enables the Sur-
veyors within the Countie ^{Iron-}
of *Kent*, *Sussex*, and ^{works.}
Surry, where the High-
waies shall be most an-
noyed, where the Justices
have not assigned in what
place or places of the
High-waies there shall be
carried Gravel, Stone, or
Chaulk, to appoint the
Occupiers of the Iron-
works to carrie the same,
upon the penaltie of for-
tieshillings; and the Sur-
veyors shall make de-
mands of all the forfei-
tures of money to be paid
in default of such Carri-
ages;

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ages; and shall make a true presentment of all such defaults of payment at the next Quarter-Sessions of the Countie, upon the same penalty of fourtie shillings.

*Of the destruction of noy-
som Fowl and Vermin.*

THe Statutes 18 Eliz. cap. 15. 14 Eliz. ca. 11. 39 Eliz. cap. 18. 24 Hen. 8. appoints distributors, and gives them orders to pay those that shall destroy any noysom Fowl or Vermin in manner

ner following; Any person that shall bring to them any heads of old Crows, Choughs, Pyes, or Rooks, taken within their several Parishes: Every three heads one pennie; for the heads of everie six young Crows, Pies, or Rooks, taken as aforesaid, one pennie; for every six Eggs of any of them, one pennie; for everie 12. Staes heads, one pennie; all which shall be kept in some fitting place, and be brought forth once a month at least, before the Churchwardens and Taxers, or
any

any three of them, and then shall make an account to them in writing, what money they have laid forth and paid for such heads and eggs, and for the heads of ravenous birds and vermin, as in the said Acts mentioned ; for every Merton, Hawes, Furse-kite, Mold-kite, Buzzard, Cormerant or Ring-tail, two pence ; for two eggs of them one pennie ; every Iron or Of-prays-head, four pence, every Woodal, Pie, Jay, Raven, or Kite one pennie ; every Kings-fisher one pennie, every Bulfinch or Bird,

Bird, that spoils the buds
 of Fruit one pennie, eve-
 ry Fox or Grey, 12. pence,
 every Fitchew, Polcat,
 Weasel, Stote, Faire, Bad-
 ger, Wildcat, one pennie;
 every Otter or Hedghog,
 two pence ; every three
 Rats heads or Mice, one
 pennie; Every Molewarp
 or Want, an half pennie ;
 the head of all the Birds
 or Vermine last mention-
 ed, the distribution shall
 pay and give to the bring-
 er of them, for everie
 head taken within their
 Parish, and shall keep the
 same to be shewed forth
 upon their accompt as a-
 fore-

foresaid; all which said heads and eggs, shall be forthwith after such account made in the presence of the said Churchwardens & Taxers, or of three of them, burned, consumed, or cut in sunder.

And if upon account that there shall be any Monies in the hands of any of the distributors, the same shall then be delivered over to such persons as shall be elected and chosen for the year ensuing, by bill indented as aforesaid; provided alwaies that this shall not extend

id extend to give any liberty, li-
 be cense or authority, to any
 c person or persons whatsoever
 e to use or exercise any means,
 h or enquire for the destruction
 of Crows, or Rooks, Choughs,
 of or other Vermine aforesaid,
 d, in any place or places, to the
 er: destruction or disturbance of
 pt the building or breeding of
 ny any kind of Hawks, Hernes,
 a Egrits, Paupers, Swans or
 ne Shovelers, to the hurt and de-
 i struction of any Doves, Dove-
 r houses, Deer, or Warren, or
 d Conies, nor to give or ap-
 u point any sum or sums of Mo-
 as ney to be given, paid or di-
 l stributed to any person or per-
 ot sons of the Heads of any Buz-
 d zard, Ringtail, Herne, Polcat,
 Fitchew or Stote, that shall
 or may be taken in any War-
 ren or ground imployed for
 Conies,

Conies, or to the taking of any Stares in Dove-houses, neither to the destruction or bringing of any Kite or Raven killed in any City or Town Corporate, or within two miles of the same.

There are two Statutes made in the aid and assistance of Constables and Churchwardens; one 7 *Jac. cap. 5.* the other 21 *Jac. cap. 5.* the sum and effect of both which Statutes are as followeth: The first declares that whereas there are many causeless and contentious suits commenced against Justices of the Peace, Mayors of Cities, or Bayliffs; of Corporate Towns, Headburrows, Constables, Collectors of Subsidies, and Fifteens, that have been molested or troubled for the execution

tion of their Office, by contentious and ill-disposed persons, to their discouragement in the execution or doing their offices, it is enacted by the said 7 Jac. cap. 5. that if any Action, Bill, or Suite, account on the case, Trespass, Battery, or false Imprisonment shall be brought after forty days next after the end of that Session of Parliament, in any of his Majesties Courts at *Westminster* or elsewhere against any Justice of Peace, Mayor, Bayliff, of any City, or Town, Corporate, Head-burrow, Constable, Tything-man, Collector of Subsidy or Fifteens, for or concerning any matter or cause by them or any of them done by vertue of their or any of their office or offices, that it shall

shall be lawful to or for any such Justice of Peace, Mayor, Bayliff, Constable, or other Officer or Officers before named, and all others; that in their aid and assistance, or by their commandment, shall do any thing touching or concerning his or their Office or Offices, to plead the general issue that he or they are not guilty, and to give such special matter in evidence to the Jury, that shall try the same, which special matter being pleaded, had been a good and sufficient matter in Law, to have discharged the said defendant or defendants of the trespass, or the other matter laid to his or their charge; and that if the verdict shall pass with the said defendant or defendants, in any such actions,

actions, or the Plaintiff or Plaintiffs, become Non-suite, or suffer any discontinuance thereof, that in every such case the Justice or Justices, or other Judges, before whom the said matter shall be tryed, shall by force and vertue of this Act, allow unto the defendant or defendants, his or their double costs, which he or they shall have sustained by reason of their wrongful vexation, in defence of the said Action or Suite, for which the defendant or defendants, shall have like remedy as in other cases, where costs by the Laws of this Realm are given to the defendants. And this Act is to continue for seven years, and from thence to the end of the next Parliament, after the said Parliament.

The

The other Statute being 21 *Jac. cap. 12.* declares the afore recited Statute of 7 *Jac. cap. 5.* to be perpetual. And that all Church-wardens and all persons called Swornmen, executing the office of *Church-wardens*, and all overseers of the Poor, and all others which in their aide and assistance, or by their commandment shall do any thing touching his or their Office or Offices, shall hereafter be enabled to receive, and have such benefit and help by vertue of the said Act, to all intents and constructions and purposes, as if they had been specially named therein.

And whereas notwithstanding by the said Statute, the Plaintiff is at liberty to lay his account, which he shall bring
against

against any Justice of Peace,
 or other Officer in any for-
 rain County at his choice,
 which hath proved very in-
 convenient unto sundry of the
 Officers and persons afore-
 said, that have been impleaded
 by some contentious & trou-
 blesome persons in Coun-
 ties far remote from their
 places of habitations: It is en-
 acted by this Statute, that if
 any Action, Bill, Plaint or Suit
 upon the case, Trespass, Bat-
 tery or false Imprisonment shal
 be brought after the end of
 this Session of Parliament, a-
 gainst any Justice of Peace,
 Mayor or Bayliff of City or
 Town Corporate, Head-bor-
 row, Constable, Tythingman,
 Collector of Subsidies or Fif-
 teens, Church-wardens and
 persons called Swornmen, exe-
 cuting

cating the Office of Church-
 wardens or Overseers of the
 Poor, and their Deputies or a-
 ny of them, or any other which
 in their aid and assistance, or
 by their commandment shall
 do any thing touching or
 concerning his or their Office
 or Offices for, or concerning
 any matter, cause, or thing, by
 them or any of them done by
 vertue or reason of their or a-
 ny of their Office or Offices :
 That the said Account, Bill,
 Plant or Suit, shall be laid
 within the County, where the
 Trespass or Fact shall be done
 and committed, and not else-
 where : And that it shall be
 lawful to, and for all and eve-
 ry person and persons afore-
 said, to plead there unto the
 general issue, that he or they
 are not guilty, and to give in
 such

such special matter in evidence to the Jury, which shall try the same as in and by the said former Act, is limited and declared: And that if upon the tryal of any such Action, Bill, Plant or suit, the Plaintiff or Plaintiffs therein shall not prove to the Jury which shall try the same, that the Trespass, Battery, Imprisonment or other fact or cause of his, her or their such accounts, Bill, Plant or Suit, was or were had, made, committed or done within the County, where such account, bill, plant or suit shall be laid: That then in every such case the Jury which shall try the same, shall find the defendant and defendants in every such Account, Bill, Plant, or Suit, not guilty, without having any regard
or

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or respect to any evidence given by the Plaintiff, or Plaintiffs, therein touching the Trespass, Battery, Imprisonment, or other cause, for which the same Account, Bill, - Plaint or Suit, is or shall be brought: And if the verdict shall pass with the defendant or defendants, in any such Account, Bill, or Plaint or Suit, or the Plaintiff or Plaintiffs, therein become Non-suit, or suffer any discontinuance thereof, that in every such case, the defendant or defendants, shall have such double costs, and all other advantages and remedies, as in and by the said former Act is limited, directed and provided

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